

HAUSFELD

Hausfeld Firm Summary

In the last decade, Hausfeld attorneys have won landmark trials, negotiated complex settlements among dozens of defendants, and recovered billions of dollars in recoveries for clients both in and out of court. Renowned for skillful prosecution and resolution of complex and class-action litigation, Hausfeld is the only claimants' firm to be ranked in the top tier in private enforcement of antitrust/competition law in both the United States and the United Kingdom by the Legal 500 and Chambers & Partners. Our German office was also ranked by Legal 500 for general competition law. From our ten locations in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Berlin, Brussels, Düsseldorf, London, and Paris Hausfeld contributes to the development of law in the United States and abroad in the areas of antitrust/competition, consumer protection, data breach and privacy, environmental threats, human and civil rights, mass torts, and securities fraud. Hausfeld attorneys have studied the global integration of markets—and responded with innovative legal theories and a creative approach to claims in developed and emerging markets. Hausfeld was founded by Michael D. Hausfeld, who is widely recognized as one of the country's top civil litigators and a leading expert in the fields of private antitrust/competition enforcement and international human rights. *The New York Times* has described Mr. Hausfeld as one of the nation's "most prominent antitrust lawyers," while *Washingtonian Magazine* characterizes him as a lawyer who is "determined to change the world—and succeeding," noting that he "consistently brings in the biggest judgments in the history of law."

Antitrust and Competition Litigation

Hausfeld's reputation for leading groundbreaking antitrust class actions in the United States is well-earned. Having helmed more than thirty antitrust class actions, Hausfeld attorneys are prepared to **litigate and manage cases with dozens of defendants** (*In re Blue Cross Blue Shield Antitrust Litigation*, with more than thirty defendants), **negotiate favorable settlements for class members and clients** (*In re Air Cargo Shipping Services Antitrust Litigation*, settlements of more than \$1.2 billion), take on the financial services industry (*In re Foreign Exchange Antitrust Litigation*, with settlements of more than \$2.5 billion), **take cartelists to trial** (*In re Vitamin C Antitrust Litigation*, trial victory of \$162 million against Chinese manufacturers of vitamin C), and **push legal boundaries where others have not** (*In re NCAA Antitrust Litigation*, another trial victory in which the court found the NCAA rules prohibiting payment of players to be unlawful).

Consumer Protection Litigation

Hausfeld also pursues consumer protection, defective product, and Lanham Act cases on behalf of a variety of litigants including consumers, entertainers, financial institutions, and other businesses. For example, we served on the Plaintiffs' Steering Committee in *In re Volkswagen "Clean Diesel" Litigation* helping to recover over \$14 billion for U.S. consumers and are currently representing tens of thousands of VW purchasers in Europe. We have obtained class-wide settlements for purchasers of **defective products** (*Wolph v. Acer America Corp.*; *In re Sony PS3 "Other OS" Litigation*) **victims of unfair and deceptive practices** (*Brown v. Transurban (USA), Inc.*; *Radosti v. Envision EMI, LLC*; *In re Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation*); and domestic beekeepers and honey packers for **fraudulent mislabeling** of imported honey (*In re Honey Transshipping Litigation*).

Data Breach and Privacy

Hausfeld's attorneys have been at the forefront of seeking recovery for victims and data breaches. We served on the Financial Institution Plaintiffs' Steering Committee in *In re Target* leading to a groundbreaking \$60 million in settlement, chaired the FI Steering Committee in *In re Home Depot* (\$40 million settlement, fee award pending on appeal), and served as a co-lead in *In re Kmart* (\$18.5 million settlement). In addition, we are currently serving in leadership positions in Arby's (co-lead); Wendy's (steering committee); and *In re Premera* (executive committee).

Mass Tort and Environmental Litigation

Hausfeld attorneys have pursued wide-ranging mass tort cases over the last decade. We have represented **homeowners with defective drywall** (*In re Chinese-Manufactured Drywall Products Liability Litig.*), former **football players who suffered from the long-lasting effects of concussions** (*In re National Football League Players' Concussion Injury Litigation*) **mine workers in southern Africa who contracted silicosis** from their workplace environment – the first case of its kind brought in South Africa, and **victims of dangerous prescription drugs and medical devices**, including women whose hormone replacement therapy caused them to suffer from breast cancer (*In re Prempro Products Liability Litigation*), and patients with defective hip replacements (*In re Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation*).

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Litigation Achievements

Significant Trial Victories

While many law firms like to talk about litigation experience, Hausfeld lawyers regularly bring cases to trial—and win. Among our trial victories are some of the largest antitrust cases in the modern era. For example, in *O'Bannon v. NCAA* (N.D. Cal.), we conducted a three-week bench trial before the Chief Judge of the Northern District of California, resulting in a complete victory for college athletes who alleged an illegal agreement among the National Collegiate Athletic Association and its member schools to deny payment to athletes for the commercial licensing of their names, images, and likenesses. Our victory in the O'Bannon litigation followed the successful trial efforts in *Law v. NCAA* (D. Kan.), a case challenging earning restrictions imposed on assistant college coaches in which the jury awarded **\$67 million** to the class plaintiffs that one of our lawyers represented.

In *In re Vitamin C Antitrust Litigation* (E.D.N.Y.), we obtained, on behalf of our direct purchaser clients, a **\$162 million** jury verdict and judgment against Chinese pharmaceutical companies who fixed prices and controlled export output of Vitamin C—on the heels of \$22.5 million in settlements with other defendants, which represented the first civil settlements with Chinese companies in a U.S. antitrust cartel case. The Supreme Court recently granted *certiorari* in that matter. Years earlier, we took on a global vitamin price-fixing cartel in *In re Vitamins* (D.D.C.), in which we secured a **\$1.1 billion settlement** for a class of vitamin purchasers and then took the remaining defendants to trial, culminating in a \$148 million jury verdict.

Our trial experience extends to intellectual property matters and general commercial litigation as well. Recently, we represented entertainment companies that sought to hold internet service provider Cox Communications accountable for willful contributory copyright infringement by ignoring the illegal downloading activity of its users. Following a trial in *BMG Rights Management (US) LLC, v. Cox Enterprises, Inc.* (E.D. Va.), the jury returned a **\$25 million verdict** for our client.

Exceptional Settlement Results

In less than a decade, Hausfeld has recouped over **\$20 billion for clients** and the classes they represented. We are proud of our record of successful dispute resolution. Among our settlement achievements, three cases merit special mention. In a case involving allegations of price-fixing among the world's largest airfreight carriers, *In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), we negotiated settlements with more than 30 defendants totaling over **\$1.2 billion**—all in advance of trial. During the same time period, in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (S.D.N.Y.), we negotiated settlements totaling more than **\$2.5 billion** with fifteen banks accused of conspiring to manipulate prices paid in the foreign-exchange market. And in the global *Marine Hose* matter, we broke new ground with the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation. That settlement enabled every one of Parker ITR's non-US marine-hose purchasers to recover up to 16% of their total purchases. These cases are just three among dozens of recent landmark settlements across our practice areas.

Court Commendations

"All class actions generally are more complex than routine actions... But this one is a doozy. This case is now I guess nearly more than ten years old. The discovery as I've noted has been extensive. The motion practice has been extraordinary... The recovery by the class is itself extraordinary. The case, the international aspect of the case is extraordinary. Chasing around the world after all these airlines is an undertaking that took enormous courage." - Judge Brian M. Cogan. *In re Air Cargo Shipping Services Antitrust Litigation*, No. 06-md-1775 (E.D.N.Y.)

Hausfeld lawyers had achieved "really, an outstanding settlement in which a group of lawyers from two firms coordinated the work... and brought an enormous expertise and then experience in dealing with the case." "[Hausfeld lawyers are] more than competent. They are outstanding." - Judge Charles R. Breyer *In re International Air Passenger Surcharge Antitrust Litig.*, No. 06-md-01793 (N.D. Cal.)

Hausfeld has "the breadth of experience, resources and talent necessary to navigate a case of this import." Hausfeld "stands out from the rest." - Judge Morrison C. England Jr. *Four In One v. SK Foods*, No. 08-cv-3017 (E.D. Cal.)

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James J. Pizzirussso



While still in law school, James argued and won his first trial in the Court of Federal Claims under the Vaccine Injury Compensation Program representing a family whose daughter had been severely injured (*Dela Rosa v. Sec'y. of Health and Human Services*, 2001 WL 1056928, NO. 93-433v (Aug. 14, 2001)). Since that time, he has pursued justice on behalf of his clients, both domestically and abroad, in a wide variety of practice areas and on behalf of notable clients -- including musicians and professional athletes. James' distinctive approach to litigation has resulted in recoveries of hundreds of millions of dollars for his clients and class members and numerous professional accolades. James is a partner in Hausfeld's Washington, DC office. He has a diverse practice centering on consumer protection and data breach/privacy law, antitrust law (with an emphasis in agriculture), environmental torts, and sports and entertainment law.

In addition to practicing law, James has served as a Visiting Professor at George Washington University Law School.

James has led Hausfeld's Consumer Protection/Data Breach practice group since the firm's inception and courts have personally appointed him to leadership positions in numerous successful consumer fraud class actions including: *In re Warner Music Group Corp. Digital Downloads Litig.*, No. CV-12-0559-RS (N.D. Cal.) (nationwide settlement of royalty dispute involving \$11.5 million in past damages and future royalty increases in perpetuity); *James v. UMG Recordings, Inc.*, No. 11-CV-1613-SI (N.D. Cal.) (nationwide settlement of royalty dispute involving \$11.5 million in past damages and future royalty increases in perpetuity); *Wolph v. Acer America Corp.*, No. CV-09-01314-VRW (N.D. Cal.) (disputed class involving defective computers certified on a nationwide basis, \$22.7 million settlement later achieved); *Radost v. Envision EMI, LLC*, No. 1:09-CV-00887-CCK (D.D.C.) (\$17.5 million nationwide settlement); *In re Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litig.*, C.A. 08-1982 (D. Md.) (\$8 million nationwide settlement); *Brown v. Transurban (USA), Inc.*, No. 1:150CV000494-JCC-MSN (E.D. Va) (Co-lead) (nationwide settlement involving excessive toll lane fees); and *In re Honey Transshipping Litig.*, 1:13-cv-02905 (N.D. Ill.) (\$4 million nationwide Lanham Act settlement). Other cases in which he has served as lead counsel include: *In re Monsanto Company Genetically-Engineered Wheat Litig.*, 2:13-md-02473-KHV-KMH (D. Kansas) (chair of lead counsel group); *U.S. Hotel and Resort Management, Inc. et al v. Onity Inc.*, 0:13-cv-01499-SRN-FLN (D. Minn.); and *In re Sony PS3 "Other OS" Litig.*, No. CV-10-1811-RS (N.D. Cal.) (co-lead). He also been appointed to serve in a leadership capacity in a variety of data breach cases including *In re Target Corporation Customer Data Security Breach Litig.*, MDL No. 14-25522 (D. Minn.) (Steering Committee on behalf of financial institutions, nationwide class certification granted, \$60 million settlement approved), *Greater Chautauqua Federal Credit Union v. Kmart Corp.*, No. 1:15-cv-02228 (N.D. Ill.) (One of three Co-Leads) (\$18.5 million settlement); *In re The Home Depot, Inc. Customer Data Security Breach Litig.*, No. 14-md-02583 (N.D. Georgia) (Chair of the Plaintiffs' Steering Committee) (\$40 million settlement, fee award on appeal); *First Choice Federal Credit Union v. Wendy's*, Case No. 2:16-cv-00506 (W.D. Pa.) (Plaintiffs' Executive Committee); *In re Premera Blue Cross Customer Data Breach Litig.*, No. 3:15-md-2633-SI (D. Or.) (Executive Leadership Committee); and *In re: Arby's Restaurant Group, Inc. Data Security Litig.*, Civil No. 1:17-cv-514-AT (N.D. Ga.) (Co-Lead). James has also been involved in defective product cases such as *Ross v. Trex Co., Inc.*, No. 5:09-CV-00670 (N.D. Cal.) (nationwide settlement) and *Pelletz v. Weyerhaeuser Company*, No. C08-0334 JCC (W.D. Wash.) (nationwide settlement) and currently represents dentists seeking compensation from 3M related to defective crowns in *Bhatia v. 3M Company*, No. 0:16-cv-1304 (D. Minn.) (Chair of the Plaintiffs' Executive Committee). In the sports and entertainment area, James has represented several prominent musicians -- including Chuck D of Public Enemy ("Fight the Power"), Sister Sledge ("We Are Family"); Gary Wright ("Dream Weaver"), and hip hop group The Black Sheep ("The Choice is Yours") -- in seeking compensation for unpaid digital download royalties from their records labels. He also represented several prominent retired football players, including Jim Brown and Billy Joe Dupree, in the *Dryer v. Nat'l Football League*, No. 0:09-cv-02182-PAM-AJB (D. Minn.) (\$50 million settlement) asserting copyright and publicity rights claims from the NFL's use of retired players' images and likenesses.

In 2012, James was named as one of four "Rising Stars under 40" by Law360 in Consumer Protection and Privacy law. *The International Who's Who of Competition Lawyers & Economists* recognized James as one of the leading US competition lawyers for plaintiffs in 2014. Additionally, *The Benchmark Plaintiff Guide to America's Leading Plaintiff's Firms and Attorneys* recognized James as one of the country's top sixteen "Antitrust Litigation Stars" in 2012 and one of DC's "Local Litigation Stars" from 2013-2015. In 2016, James was recognized by Super Lawyers as a Top Rated Class Action & Mass Torts Attorney in Washington, DC. *Who's Who Legal: Competition* named him as one of the country's leading antitrust practitioners in 2017. *The National Law Journal* recognized James as one of its 2017 Cybersecurity Trailblazers, one of only two plaintiff's lawyers to achieve that honor. James was also recently selected in 2018 as a member of Sedona Working Group 11 on Data Security and Privacy Liability, the mission of which is to identify and comment on trends in data security and privacy law, in an effort to help organizations prepare for and respond to data breaches, and to assist attorneys and judicial officers in resolving questions of legal liability and damages.

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Swathi Bojedla



Swathi's career has spanned a wide range of practice areas at Hausfeld, focusing most notably on the Sports & Entertainment, Antitrust, Consumer Protection/Data Breach, and Mass Torts practice areas. From initial case investigations through trial, she has represented the firm's clients in all aspects of litigation. Her work has encompassed some of the highest-profile class action sports and antitrust cases in recent years, and she has been involved in the recovery of over \$500 million in settlement awards on behalf of clients. Swathi was initially drawn to Hausfeld's leadership in cutting edge litigation that advances the public interest and promotes a level playing field. As an avid sports fan, she has relished the opportunity to represent current and former athletes as they seek fair treatment for the dedication they put into the game. *In Dryer et al. v. National Football League*, she represented a class of retired NFL players whose names, images, and likenesses were being used in NFL

Films features. She was involved in negotiating a \$50 million settlement agreement, which created a Greater Good Fund to provide health and welfare programs to former NFL players and also established a licensing agency, in partnership with IMG, to help former players market their names, images, and likenesses. She continues to advise the Court-appointed Board of Directors on implementation of the settlement agreement. In *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*, Swathi represented a class action on behalf of current and former Division I men's basketball and FBS football players against the NCAA and its member institutions based on rules foreclosing athletes from receiving compensation for the use of their names, images, and likenesses. In 2014, plaintiffs completed a three-week bench trial in which Swathi was part of a trial team that successfully obtained class injunctive relief allowing college athletes to receive compensation for their NIL rights, a landmark victory for college athletes. She has also litigated against the United States Olympic Committee and USA Track & Field to open up the market for sponsorship of athletes. For her work on these and other cases, Swathi was named a Rising Star Under 40 in Sports by Law360 in 2016.

Swathi has also represented numerous financial institutions across the country who have suffered damages as a result of data breaches at retailers including Target, Home Depot, Kmart, Noodles & Co., and Wendy's. Through her work on these cases, she has developed an expertise in data breach law and card brand recovery processes, and has helped to design and implement unique settlement frameworks in this developing area of law. She has also represented consumers affected by a breach in *In re Premera*. And in 2013, Swathi participated in a mass tort action arising from the placement of unnecessary stents in patients at a Baltimore-area hospital, which culminated in a month-long jury trial in Maryland state court and a global resolution compensating over 240 affected patients.

Samantha S. Derksen



Samantha is an associate at Hausfeld's Washington, DC office. Her decision to join Hausfeld was based on her desire to join a firm that both provides excellent representation to its clients, and strives to make positive changes in society. At Hausfeld, Samantha works on a variety of cases, including *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, 13-7789 (S.D.N.Y.), a class action alleging a conspiracy to fix the prices of foreign exchange instruments among some of the largest banks in the world. As co-lead counsel in that case, Hausfeld has overcome two motions to dismiss, and has secured more than \$2.3 billion in settlements. Samantha is also involved in *Haff Poultry, Inc. et al. v. Tyson Foods, Inc. et al.*, Case No. 6:17-cv-00033-RJS (E.D. Okla.), an antitrust case on behalf of a proposed class of broiler chicken growers alleging a nationwide conspiracy among vertically-integrated poultry companies to suppress and maintain compensation for growing services below competitive levels.

Finally, Samantha is engaged in *In re Volkswagen "Clean" Diesel Litigation*, where Hausfeld represents individual plaintiffs and consumer groups in their claims against Volkswagen's "clean diesel" fraud.

Samantha graduated from The George Washington University Law School with highest honors. While in law school, she represented clients facing cyber violence as a member of the International Human Rights Clinic. She also participated in various pro bono projects and externships in the fields of animal welfare, endangered species, and wrongful convictions. Finally, Samantha was a member of The George Washington International Law Review.